



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

sense a joint promisor; and hence he should be liable for interest only from the time he is required to make payment and fails to do so. The distinction referred to, however, is not observed by the authorities.

In *Bank of Brighton v. Smith*, 12 Allen (Mass.) 243, 90 Am. Dec. 144, a surety was held not liable for interest till demand because his "undertaking by its express terms was not that of a joint promisor." The words quoted draw the distinctions referred to above as that which should be observed on principle.

TAXATION—REMEDY AT LAW—ILLEGAL TAXES.—In a suit to enjoin the collection of a municipal tax on personalty, which was alleged to be illegal on the ground of non-residence of the plaintiff, it was *Held*, the remedy at law is inadequate, since an action to recover taxes lies only where they have been paid under duress of goods and the officer could avoid this remedy by bringing an action at law for the taxes instead of distraining, and injunction is the proper remedy. *City of Lancaster v. Pope* (Ky.), 160 S. W. 509.

This reasoning is hardly satisfactory, for it does not appear that the illegality of the tax could not be set up in the action by the collector, thus affording an adequate remedy at law. And the same court in *Gates v. Barrett*, 79 Ky. 295 (cited in the principal case), bases the doctrine on the alleged principle that the officer, acting in good faith and under color of right is justified by his process, and is not liable as a trespasser. See *ante*, p. 87.

TORTS—INJURY TO ANOTHER'S BUSINESS.—The defendant engaged in business, not for his own pleasure and profit but simulated competition for the sole purpose of maliciously injuring plaintiff. *Held*, actionable. *Boggs v. Duncan-Shell Furniture Co.* (Iowa), 143 N. W. 482.

Formerly it was stated to be the general rule that an act legal in itself cannot be rendered actionable by the motive which induced it. *Guethler v. Altman*, 26 Ind. App. 587, 60 N. E. 355, 84 Am. St. Rep. 313

But the common law grows and adapts itself to changing conditions, and competition of the character simulated in the principal case is, according to the trend of modern authority, actionable provided malice obtains. *Dunshee v. Standard Oil Co.*, 152 Iowa 618, 132 N. W. 371, 36 L. R. A. (N. S.) 263; *Tuttle v. Buck*, 107 Minn. 145, 119 N. W. 946, 22 L. R. A. (N. S.) 599, 131 Am. St. Rep. 446, 16 A. & E. Ann. Cas. 807; *W. Va. Trans. Co. v. Standard Oil Co.*, 50 W. Va. 611, 40 S. E. 591, 56 L. R. A. 804, 88 Am. St. Rep. 895.

The only practicable objection that can be raised to these decisions which morally are most expedient, is that they give business men the opportunity of invoking the powers of the courts to search the motives of rivals and competitors. But this objection, even if it amounts to anything, ought not to cause alarm.

WILLS—PRESUMPTIONS—ALTERATIONS.—An unexplained alteration appeared on the face of a will offered for probate. *Held*, it is presumed to